



Attorney's Docket No. 017751-01

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417.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Philippe MENEI et al) Group Art Unit: 1615
Application No.: 10/022,241) Examiner: Blessing M. Fubara
Filed: December 20, 2001) Confirmation No. 7151
For: TREATMENT OF INOPERABLE)
TUMORS BY STEREOTACTIC)
INJECTION OF MICROSPHERES)

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Election Requirement issued by the Patent and Trademark Office on March 12, 2003, applicants hereby elect with traverse brain tumor and 5-fluorouracil (5-FU).

This request for election is believed to be in error. The instant invention is directed to the treatment of inoperable tumors using biodegradable microspheres which release an anticancer agent by stereotactic injection, as recited in claim 1. Restricting the invention to a particular tumor and a particular anticancer agent is believed to be unnecessary.

None of the claims are limited to the anticancer agent alone. The anticancer agent is present in a biodegradable microsphere. Additional components will thus be present and must be part of the elected invention.

Claims readable on the elected invention are claims 1-20 and 24-27.

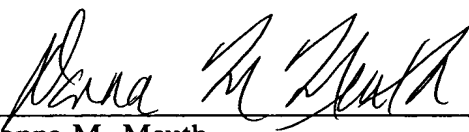
In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (650) 622-2360.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Donna M. Meuth
Registration No. 36,607

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(703) 836-6620
Date: April 11, 2003



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Patent
Attorney Docket No. 017751-017
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Philippe MENEI et al) Group Art Unit: 1615
Application No.: 10/022,241) Examiner: Blessing M. Fubara
Filed: December 20, 2001) Confirmation No. 7151
For: TREATMENT OF INOPERABLE)
TUMORS BY STEREOTACTIC)
INJECTION OF MICROSPHERES)

AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

A M E N D E D C L A I M S					
	No. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

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Registration No. 36,607

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Date: April 11, 2003